

REGULATIONS  
FOR  
PLACER MINING  
ALONG THE  
YUKON RIVER  
AND ITS TRIBUTARIES,  
N. W. T.

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*Approved by Order in Council, No. 1189, of  
21st May, 1897, as amended.*

REGULATIONS GOVERNING PLACER MINING ALONG THE  
YUKON RIVER AND ITS TRIBUTARIES IN THE  
NORTH-WEST TERRITORIES.

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*(Approved by Order in Council No. 1189, of 21st May, 1897, as amended.)*

INTERPRETATION.

“Bar diggings” shall mean any part of a river over which the water extends when the water is in its flooded state, and which is not covered at low water.

Mines on benches shall be known as “bench diggings” and shall for the purpose of defining the size of such claims be excepted from dry diggings.

“Dry diggings” shall mean any mine over which a river never extends.

“Miner” shall mean a male or female over the age of eighteen but not under that age.

“Claim” shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

“Legal post” shall mean a stake standing not less than four feet above the ground and squared on four sides for at least one foot from the top. Both sides so squared shall measure at least four inches across the face. It shall also mean any stump or tree cut off and squared or faced to the above height and size.

“Close season” shall mean the period of the year during which placer mining is generally suspended. The period to be fixed by the Gold Commissioner in whose district the claim is situated.

“Locality” shall mean the territory along a river (tributary of the Yukon River) and its affluents.

“Mineral” shall include all minerals whatsoever other than coal.

NATURE AND SIZE OF CLAIMS.

1. “Bar diggings,” a strip of land 100 feet wide at high-water mark, and thence extending into the river to its lowest water level.

2. The sides of a claim for bar digging shall be two parallel lines run as nearly as possible at right angles to the stream and shall be marked by four legal posts, one at each end of the claim at or about high-water mark, also one at each end of the claim at or about the edge of the water. One of the posts at high-water mark shall be legibly marked with the name of the miner and the date upon which the claim was staked.

3. Dry diggings shall be 100 feet square and shall have placed at each of its four corners a legal post upon one of which shall be legibly marked the name of the miner and the date upon which the claim was staked.

4. Creek and river claims shall be 500 feet long measured in the direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart, the claim may be 100 feet in depth. The sides of a claim shall be two parallel lines run as nearly as possible at right angles to the stream. The sides shall be marked with legal posts at or about the edge of the water and at the rear boundaries of the claim. One of the legal posts at the stream shall be legibly marked with the name of the miner and the date upon which the claim was staked.

5. A Bench claim shall be 100 feet square, and shall have placed at each of its four corners a legal post upon which shall be legibly marked the name of the miner and the date upon which the claim was staked.

6. Entry shall only be granted for alternate claims, the other alternate claims being reserved for the Crown to be disposed of at public auction, or in such manner as may be decided by the Minister of the Interior.

The penalty for trespassing upon a claim reserved for the Crown shall be immediate cancellation by the Gold Commissioner of any entry or entries which the person trespassing may have obtained, whether by original entry or purchase, for a mining claim, and the refusal by the Gold Commissioner of the acceptance of any application which the person trespassing may at any time make for a claim. In addition to such penalty, the Mounted Police, upon a requisition from the Gold Commissioner to that effect, shall take the necessary steps to eject the trespasser.

7. In defining the size of claims they shall be measured horizontally irrespective of inequalities on the surface of the ground.

8. If any person or persons shall discover a new mine and such discovery shall be established to the satisfaction of the Gold Commissioner a creek and river claim 750 feet in length may be granted.

~~A new stratum of auriferous earth or gravel situated in a locality where the claims are abandoned shall for this purpose be deemed a new mine, although the same locality shall have been previously worked at a different level.~~

9. The forms of application for a grant for placer mining and the grant of the same shall be those contained in forms "H" and "I" in the schedule hereto.

10. A claim shall be recorded with the Gold Commissioner in whose district it is situated within three days after the location thereof if it is located within ten miles of the Commissioner's office. One extra day shall be allowed for making such record for every additional ten miles or fraction thereof.

11. In the event of the absence of the Gold Commissioner from his office, entry for a claim may be granted by any person whom he may appoint to perform his duties in his absence.

12. Entry shall not be granted for a claim which has not been staked by the applicant in person in the manner specified in these regulations. An affidavit that the claim was staked out by the applicant shall be embodied in form "H" of the schedule hereto.

13. An entry fee of \$15.00 shall be charged the first year, and an annual fee of \$100.00 for each of the following years. This provision shall apply to locations for which entries have already been granted.

14. A royalty of ten per cent on the gold mined shall be levied and collected by officers to be appointed for the purpose, provided the amount so mined and taken from a single claim does not exceed five hundred dollars per week. In case the amount mined and taken from any single claim exceeds five hundred dollars per week, there shall be levied

and collected a royalty of ten per cent upon the amount so taken out up to five hundred dollars, and upon the excess, or amount taken from any single claim over five hundred dollars per week, there shall be levied and collected a royalty of twenty per cent, such royalty to form part of the Consolidated Revenue, and to be accounted for by the officers who collect the same in due course. The time and manner in which such royalty shall be collected, and the persons who shall collect the same, shall be provided for by regulations to be made by the Gold Commissioner.

Default in payment of such royalty, if continued for ten days after notice has been posted upon the claim in respect of which it is demanded, or in the vicinity of such claim, by the Gold Commissioner or his agent, shall be followed by cancellation of the claim. Any attempt to defraud the Crown by withholding any part of the revenue thus provided for, by making false statements of the amount taken out, shall be punished by cancellation of the claim in respect of which fraud or false statements have been committed or made. In respect of the facts as to such fraud or false statements or non-payment of royalty, the decision of the Gold Commissioner shall be final.

15. After the recording of a claim the removal of any post by the holder thereof or by any person acting in his behalf for the purpose of changing the boundaries of his claim shall act as a forfeiture of the claim.

16. The entry of every holder of a grant for placer mining must be renewed and his receipt relinquished and replaced every year, the entry fee being paid each time.

17. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the Gold Commissioner and a fee of five dollars paid for each registration.

18. Any miner or miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the Gold Commissioner, who shall thereupon give the assignee a certificate in form J in the schedule hereto.

19. Every miner shall, during the continuance of his grant have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom, upon which, however, the royalty prescribed by clause 14 of these Regulations shall be payable; but he shall have no surface rights therein; and the Gold Commissioner may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable. He may also grant permits to miners to cut timber thereon for their own use, upon payment of the dues prescribed by the regulations in that behalf.

20. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the Gold Commissioner be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

21. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof or by some person on his behalf for the space of \*seventy-two hours, unless sickness or other reasonable cause be shown to the satisfaction of the Gold Commissioner or unless the

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\*72 hours means 3 consecutive days of 24 hours each.

grantee is absent on leave given by the Commissioner, and the Gold Commissioner upon obtaining evidence satisfactory to himself, that this provision is not being complied with may cancel the entry given for a claim.

22. If the land upon which a claim has been located is not the property of the Crown it will be necessary for the person who applied for entry to furnish proof that he has acquired from the owner of the land the surface rights before entry can be granted.

23. If the occupier of the lands has not received a patent therefor, the purchase money of the surface rights must be paid to the Crown, and a patent of the surface rights will issue to the party who acquired the mining rights. The money so collected will either be refunded to the occupier of the land, when he is entitled to a patent therefor, or will be credited to him on account of payment for land.

24. When the party obtaining the mining rights to lands cannot make an arrangement with the owner or his agent or the occupant thereof for the acquisition of the surface rights, it shall be lawful for him to give notice to the owner or his agent or the occupier to appoint an arbitrator to act with another arbitrator named by him, in order to award the amount of compensation to which the owner or occupant shall be entitled. The notice mentioned in this section shall be according to a form to be obtained upon application from the Gold Commissioner for the district in which the lands in question lie, and shall, when practicable, be personally served on such owner, or his agent if known, or occupant; and after reasonable efforts have been made to effect personal service, without success, then such notice shall be served by leaving it at, or sending by registered letter to, the last place of abode of the owner, agent or occupant. Such notice shall be served upon the owner, or agent within a period to be fixed by the Gold Commissioner before the expiration of the time limited in such notice. If the proprietor refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor in the time limited therefor in the notice provided for by this section, the Gold Commissioner for the district in which the lands in question lie, shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent or occupant, appoint an arbitrator on his behalf.

25. (a.) All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them, and they shall forthwith proceed to estimate the reasonable damages which the owner or occupants of such lands, according to their several interests therein, shall sustain by reason of such prospecting and mining operations.

(b.) In estimating such damages, the arbitrators shall determine the value of the land irrespectively of any enhancement thereof from the existence of minerals therein.

(c.) In case such arbitrators cannot agree, they may select a third arbitrator, and when the two arbitrators cannot agree upon a third arbitrator the Gold Commissioner for the district in which the lands in question lie shall select such third arbitrator.

(d.) The award of any two such arbitrators made in writing shall be final, and shall be filed with the Gold Commissioner for the district in which the lands lie.

If any cases arise for which no provision is made in these regulations, the provisions of the regulations governing the disposal of mineral lands other than coal lands approved by His Excellency the Governor in Council on the 9th of November, 1889, shall apply.

**FORM H.—APPLICATION FOR GRANT FOR PLACER MINING  
AND AFFIDAVIT OF APPLICANT.**

I (or we), \_\_\_\_\_ of \_\_\_\_\_  
hereby apply, under the Dominion Mining Regulations, for a grant of a  
claim for placer mining as defined in the said regulations, in (here describe  
locality) and I (or we) solemnly swear :—

1. That I (or we) have discovered therein a deposit of (here name the  
metal or mineral)

2. That I (or we) am (or are) to the best of my (or our) knowledge  
and belief, the first discoverer (or discoverers) of the said deposit ; or :—

3. That the said claim was previously granted to (here name the last  
grantee), but has remained unworked by the said grantee for not less than

4. That I (or we) am (or are) unaware that the land is other than  
vacant Dominion land.

5. That I (or we) did, on the \_\_\_\_\_ day of \_\_\_\_\_  
mark out on the ground, in accordance in every particular with the  
provisions of the mining regulations, for the Yukon River and its tributaries,  
the claim for which I (or we) make this application, and that in so  
doing I (or we) did not encroach on any other claim or mining location  
previously laid out by any other person.

6. That the said claim contains, as nearly as I (or we) could measure  
or estimate, an area of \_\_\_\_\_ square feet, and that the description (and  
sketch, if any) of this date hereto attached, signed by me (or us), sets (or  
set) forth in detail, to the best of my (or our) knowledge and ability, its  
position, form and dimensions.

7. That I (or we) make this application in good faith, to acquire the  
claim for the sole purpose of mining, to be prosecuted by myself (or us) or  
by myself and associates, or by my (or our) assigns.

Sworn before me )  
at \_\_\_\_\_ )  
this \_\_\_\_\_ day ) (Signature)  
of \_\_\_\_\_ 18 . )

**FORM I.—GRANT FOR PLACER MINING.**

No.....

DEPARTMENT OF THE INTERIOR,

AGENCY, \_\_\_\_\_ 18 ..

In consideration of the payment of the fee prescribed by clause 13 of  
the Mining Regulations for the Yukon River and its tributaries,  
by (A.B.) of \_\_\_\_\_, accompanying his (or their) applica-  
tion No. \_\_\_\_\_, dated \_\_\_\_\_, 18 \_\_\_\_\_, for a mining claim in  
(here insert description of locality).

The Minister of the Interior hereby grants to the said \_\_\_\_\_ (A.B.)  
\_\_\_\_\_, for the term of one year from the date hereof, the exclusive  
right of entry upon the claim (here describe in detail the claim granted)

for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, upon which, however, the royalty prescribed by clause 14 of the Regulations shall be paid.

The said (A.B.) shall be entitled to the use of so much of the water naturally flowing through or past his (or their) claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his (or their) claim, free of charge.

This grant does not convey to the said (A.B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (A.B.) or his (or their) associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

*Gold Commissioner.*

FORM J.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING CLAIM.

No.....

DEPARTMENT OF THE INTERIOR,

AGENCY,

18 .

This is to certify that (B. C.) of  
has (or have) filed an assignment in due form dated 18 ,  
and accompanied by a registration fee of two dollars, of the grant to  
(A. B.) of the  
right to mine in (*insert description of claim*) for one year from the  
18 .

This certificate entitles the said (B. C.)  
to all the rights and privileges of the said (A. B.)  
in respect of the claim assigned, that is to say, to the exclusive right of  
entry upon the said claim for the miner-like working thereof and the  
construction of a residence thereon, and the exclusive right to all the pro-  
ceeds realized therefrom (upon which, however, the royalty prescribed by  
clause 14 of the Regulations shall be paid), for the remaining portion of  
the year for which the said claim was granted, to the said  
(A. B.) , that is to say, until the day  
of 18 .

The said (B. C.) shall be entitled to the use  
of so much of the water naturally flowing through or past his (or their)  
claim and not already lawfully appropriated, as shall be necessary for the  
due working thereof, and to drain the claim free of charge.

This grant does not convey to the said (B. C.)  
any surface rights in the said claim, or any right of ownership in the soil  
covered by the said claim; and the said grant shall lapse and be forfeited  
unless the claim is continuously, and in good faith, worked by the said  
(B. C.) or his (or their) associates.

The rights hereby granted are those laid down in the Dominion  
Mining Regulations, and no more, and are subject to all the provisions of  
the said regulations, whether the same are expressed herein or not.

*Gold Commissioner.*

N.B.—The provisions of these Regulations are liable to be changed at  
any time. Copies of the latest Regulations may be obtained by applying  
to the Department of the Interior, Ottawa, Ontario; or to the Gold Com-  
missioner at Cudahy, Yukon District, North-West Territories.